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January 5, 2024

Via ECF

Hon. Nelson S. Roman
The Hon. Charles L. Brieant Jr.
Federal Building and U.S. Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

Re: *Rivera v. Pratt (Quality Carton), LLC*
Case Number: 7:23-cv-08018-NSR

Letter Seeking Pre-Motion Conference Relating to Non-Compliance With Court Order

Your Honor:

This firm represents the plaintiff Robin Rivera (“Plaintiff”) with respect to the above-captioned matter and in accordance with Rule 37.2 of the Local Rules of the SDNY, as well as Your Honor’s Individual Rules of Practice—namely section 3(A). Specifically, Plaintiff is requesting a court order compelling Defendant Pratt (Quality Carton), LLC (“Defendant”) to comply with the Court’s order entered December 4, 2023 (at Dkt. No. 14) which directed the parties to exchange certain information and documents as part of the Pilot Discovery Protocol for Counseled Employment Cases. Defendant is currently in violation of this order.

Significantly, on December 4, 2023, the Court entered an order stating, in pertinent part, “unless otherwise ordered by the judge [], within 30 days of the filing of an Answer in such cases, the parties must produce the information specified in the Pilot Discovery Protocols for Counseled Employment Cases [], attached as Exhibit A.” Dkt. No. 14 at p. 1. Exhibit A then specified the information and documents each party must provide. *Id.* Here, because Defendant filed its Answer to the first amended complaint on November 27, 2023, its disclosures were due no later than December 27, 2023.

To date, Defendant has not produced anything and is in violation of the Court’s order. On January 4, 2024, Plaintiff’s counsel (the undersigned) communicated with Defendant’s counsel of record (Mr. Citron) who insinuated that his failure to comply with the order was due to a personal matter¹ and asked for Plaintiff’s counsel to consent to an extension. Plaintiff’s counsel communicated with him that day (January 4) as well as the following day (January 5) and advised that he did not believe it was permissible for a party to consent to a continued violation

¹ Mr. Citron has asked opposing counsel not to disclose the nature of the personal issue and Plaintiff’s counsel has respected that request.

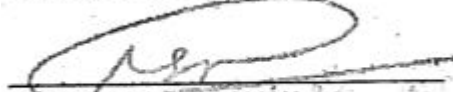
of a court order and that the issue should be put before the Court. Accordingly, such request for intervention and enforcement of the Court's December 4, 2023 order is made now.

Plaintiff and counsel thank the Court for its attention to this request.

In light of Defense Counsel's representation in its letter dated January 10, 2024 (ECF No. 19), the Court denies Plaintiff's request without prejudice to renew. The Clerk of the Court is directed to terminate the motion at ECF No. 17.

**Dated: January 12, 2024
White Plains, NY**

SO ORDERED:


HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE

Respectfully submitted,



Casey J. Wolnowski, Esq.